



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/002,944	01/05/1998	THEODORE D. WUGOFSKI	450.208US1	8404
30408	7590	12/08/2003	EXAMINER	
GATEWAY, INC.			BUI, KIEU OANH T	
ATTN: SCOTT CHARLES RICHARDSON			ART UNIT	
610 GATEWAY DR., Y-04			PAPER NUMBER	
N. SIOUX CITY, SD 57049			2611	
DATE MAILED: 12/08/2003				

32

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/002,944	WUGOFSKI ET AL.
	Examiner KIEU-OANH T BUI	Art Unit 2611
<b>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</b>		
<b>Period for Reply</b> <p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>		
<b>Status</b> <p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>11 August 2003</u>.</p> <p>2a)<input type="checkbox"/> This action is FINAL.      2b)<input checked="" type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>		
<b>Disposition of Claims</b> <p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-9, 11 and 13-22</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1-9, 11, 13-22</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>		
<b>Application Papers</b> <p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</p> <p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p style="margin-left: 20px;">Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).</p> <p>11)<input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.</p>		
<b>Priority under 35 U.S.C. §§ 119 and 120</b> <p>12)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <p style="margin-left: 20px;">1.<input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p style="margin-left: 20px;">2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p> <p style="margin-left: 20px;">3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p>* See the attached detailed Office action for a list of the certified copies not received.</p> <p>13)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.</p> <p>a)<input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.</p>		
<b>Attachment(s)</b> <p>1)<input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .</p> <p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ .</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____ .</p>		

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/11/03 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-9, 11, and 13-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

Claims 1-9, 11, and 13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al (U.S. Patent No. 6,240,555 or "Shoff" hereinafter) in view of Knee et al. (U.S. Patent No. 5,589,892) and Schein et al. (U.S. Patent 6,002,394).

Regarding claims 1 and 20, Shoff discloses “an information handling system” (Fig. 2, and col. 2/line 55-col. 3/line 27), comprising: “a graphical user interface”, i.e., a television system (Fig. 2/item 24) or a GUI 66 (Fig. 4/item 66); “wherein the graphical user interface is configured to display a channel list including at least one television channel and at least one scheduled Internet channel concurrently”, i.e., at least one TV channel and at least one scheduled Internet channel from the Internet broadcaster can be listed on the user’s scheduled program guide on certain topics and categories (Shoff, Fig. 3, and col. 5/line 60 to col. 6 line 67 as programs 2 and 3 showing supplemental content connected to the Internet website at starting times of a certain day; Fig. 8c, sets of buttons 212-216 for television channels shown in col. 11/lines 3-11; sets of buttons 232 to 236 for supplemental information or scheduled Internet channels shown in col. 12/lines 7-23 & lines 48-67).

Shoff does not disclose the further step of “provide at least one of the management functions selected from the group consisting of: adding the television channel, adding the Internet channel, removing the television channel, and removing the Internet channel” as claimed; however, Knee et al (or “Knee” hereinafter) disclose an exact same method and system of providing the management functions to users in controlling the setting up of the channel lists, whether to add or remove the television channels and/or the Internet channels, by showing the technique on how to manage the channel list, the creation of favorite channel lists, and on how the user interface works and manages in order to create the channel lists based on the user’s preferences for the electronic program guide (Knee, see col. 6/lines 39-60 for both the creating of favorite channel list comprising of both real and virtual channels; see Figs. 7 & 8 and col. 28/line 15 to col. 29/line 54 for more details on how to manage a favorite channel list(s) in adding or removing a channel for a preference channel list; and col. 45/line 60 to col. 46/line 7 for programs, channels or information from the Internet can be selected).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shoff's interactive entertainment system with Knee's disclosed technique in creating a favorite or preference channel list comprising both the television channels and the Internet channels, and then having an option on whether to add and/or remove a television channel and/or an Internet channel from that list as an enhanced feature for the electronic program guide as preferred.

Shoff further disclose the step of "wherein the at least one scheduled internet channel has at least one event with a scheduled start time and a scheduled end time, and wherein the graphical user interface is further configured to display the scheduled start time and the scheduled end time" since Shoff clearly states that the supplement content which representing the Internet channel are synchronizing in timing with the video content program, which also means that start time (as illustrated in Fig. 3, start time at 9:00PM Thursday for program 2, channel NBC, and internet content of NBC at the same start time on [www.nbc.com/seinfeld.com](http://www.nbc.com/seinfeld.com)) and the end time of the internet channel are scheduled accordingly to the scheduled time of the video program, referred herein as "a program boundary", in other words, a program with its start and end points in time to make a boundary for itself (Fig. 7/step 180, and col. 9/line 65 to col. 10/line 58), and the GUI is configured to display the scheduled start time and the scheduled end time (see Shoff, col. 12/lines 39-47) as the user can develop the supplemental content to go along a particular television show or movie with timing requirements as scheduled start times and end times.

However, the Applicants still do not recognize and agree on this issue; therefore, the Examiner would like to bring in the teaching of Schein in order to lighten up the concerned issue. Schein teaches a broadcast and delivery system that provides a user the interactive Internet services using the existing cable television broadcasting system, and the broadcasting programs - either an Internet scheduled program or a television cable program- can be personalized by the

user. In other words, the user can create a personalized program guide or TV listings that includes scheduled Internet channel and television channels with search and sort features that may also include other information about programs, ratings, stars, types of movies, on certain topics and categories, title, year, actor and so on that will be broadcast within a certain period of time (emphasis added, for a scheduled start time and a scheduled end time) such as during the day, week or month, or hot pick for each day of the week (see Schein, col. 18/line 44 to col. 19/line 51). It is a very clear indication that the scheduled Internet channel is provided to the user on the program guide with “a scheduled start time and a scheduled end time” concurrently with other scheduled television channels.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shoff's interactive Internet program guide technique with Schein's technique as disclosed in order to customize or personalize the program guide or TV listings for both Internet channels and television channels concurrently based on scheduled start times and scheduled end times as suggested by Schein. The motivation for doing this is to provide a personalized listing that fits the user's desire on both Internet channels and television channels due to each individual preferred time frame on certain programs or categories as suggested by Schein.

As for claim 2, in further view of claim 1 above, Knee further reveals that “wherein the channel list is a favorite channels list”, i.e., the user can create his/her own favorite channel list by deleting or selecting a channel from choices based on news, movies or sports (Knee, Fig. 8).

With respect to claim 3, the step of “wherein the graphical user interface includes an electronic program guide configured to display the channel list” is disclosed by Shoff (Fig. 2; col. 4/lines 14-42).

Concerning claim 4, Shoff further discloses the step of “further comprising an electronic program database for storing the channel list” as Shoff includes a program memory 96 within the user’s television for storing the EPG channel list (Fig. 5, and col. 8/lines 4-18).

Regarding claims 5 and 19, in additional view of claim 1 above, the step of “further comprising a convergence system which includes the information handling system” is disclosed by Shoff based on the fact that Shoff reveals to include a DDS system, RF communication either wireless or wire-based systems can be interpreted as “a convergence system” for broadcasting interactive and non-interactive programs to a plurality of users (col. 4/lines 42-55).

Regarding claim 6, Shoff discloses “a computerized system for integrating Internet sources into an electronic program database comprising one or more television channels; one or more scheduled Internet channels; one or more channel lists integrating the television channels and the Internet channels”, i.e., at least one TV channel and at least one scheduled Internet channel from the Internet broadcaster can be listed on the user’s scheduled program guide on certain topics and categories (Fig. 8c, sets of buttons 212-216 for television channels shown in col. 11/lines 3-11; and sets of buttons 232 to 236 for supplemental information or scheduled Internet channels shown in col. 12/lines 7-23 & lines 48-67); and “a means for storing each one of the channel lists”, for example, as Shoff includes a program memory 96 within the user’s television for storing the EPG channel list (Fig. 5, and col. 8/lines 4-18).

Shoff does not discloses the system further comprising the step of “provide at least one of the management functions selected from the group consisting of: adding the television channel, adding the Internet channel, removing the television channel, and removing the Internet channel” as claimed; however, Knee et al (or “Knee” hereinafter) disclose an exact same method and system of providing the management functions to users in controlling the setting up of the channel lists, whether to add or remove the television channels and/or the Internet channels, by showing the technique on how to manage the channel list, the creation of favorite channel lists,

and on how the user interface works and manages in order to create the channel lists based on the user's preferences for the electronic program guide (Knee, see col. 6/lines 39-60 for both the creating of favorite channel list comprising of both real and virtual channels; see Figs. 7 & 8 and col. 28/line 15 to col. 29/line 54 for more details on how to manage a favorite channel list(s) in adding or removing a channel for a preference channel list; and col. 45/line 60 to col. 46/line 7 for programs, channels or information from the Internet can be selected).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shoff's interactive entertainment system with Knee's disclosed technique in creating a favorite or preference channel list comprising both the television channels and the Internet channels, and then having an option on whether to add and/or remove a television channel and/or an Internet channel from that list as an enhanced feature for the electronic program guide as preferred.

Shoff further disclose the step of one or more internet channels having "at least one event with a scheduled start time and a scheduled end time" and "wherein the scheduled start time and the scheduled end time are displayed in one or more user interfaces" because Shoff clearly states that the supplement content which representing the Internet channel are synchronizing in timing with the video content program, which also means that start time (as illustrated in Fig. 3, start time at 9:00PM Thursday for program 2, channel NBC, and internet content of NBC at the same start time on [www.nbc.com/seinfeld.com](http://www.nbc.com/seinfeld.com)) and the end time of the internet channel are scheduled accordingly to the scheduled time of the video program, referred herein as "a program boundary", in other words, a program with its start and end points in time to make a boundary for itself (Fig. 7/step 180, and col. 9/line 65 to col. 10/line 58), and the GUI is configured to display the scheduled start time and the scheduled end time (see Shoff, col. 12/lines 39-47) as the user can develop the supplemental content to go along a particular television show or movie with timing requirements as scheduled start times and end times. However, the Applicants still do not

recognize and agree on this issue; therefore, the Examiner would like to bring in the teaching of Schein in order to lighten up the concerned issue. Schein teaches a broadcast and delivery system that provides a user the interactive Internet services using the existing cable television broadcasting system, and the broadcasting programs -either an Internet scheduled program or a television cable program- can be personalized by the user. In other words, the user can create a personalized program guide or TV listings that includes scheduled Internet channel and television channels with search and sort features that may also including other information about programs, ratings, stars, types of movies, on certain topics and categories, title, year, actor and so on that will be broadcast within a certain period of time (emphasis added, for a scheduled start time and a scheduled end time) such as during the day, week or month, or hot pick for each day of the week (see Schein, col. 18/line 44 to col. 19/line 51). It is a very clear indication that the scheduled Internet channel is provided to the user on the program guide with “a scheduled start time and a scheduled end time” concurrently with other scheduled television channels. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shoff’s interactive Internet program guide technique with Schein’s technique as disclosed in order to customize or personalize the program guide or TV listings for both Internet channels and television channels concurrently based on scheduled start times and scheduled end times as suggested by Schein. The motivation for doing this is to provide a personalized listing that fits the user’s desire on both Internet channels and television channels due to each individual preferred time frame on certain programs or categories as suggested by Schein.

Regarding claims 7-9, the steps of “further comprising a means for displaying a selected one of the channel lists wherein each one of the channel lists contains one or more stored properties for the means for displaying”; “wherein at least one of the stored properties relates to a graphical attribute of the means for displaying”; and “at least one of the stored properties relates to a behavioral attribute of the means for displaying” are disclosed by Shoff (see the Examiner’s discussion as disclosed in claims 1 and 20 above).

(Claim 10 was canceled).

Regarding claim 11, Shoff discloses the steps of “wherein the user interfaces provide a management function of selecting the channel list”, i.e., at least one TV channel and at least one scheduled Internet channel from the Internet broadcaster can be listed on the user’s scheduled program guide on certain topics and categories (Fig. 8c, sets of buttons 212-216 for television channels shown in col. 11/lines 3-11; and sets of buttons 232 to 236 for supplemental information or scheduled Internet channels shown in col. 12/lines 7-23 & lines 48-67).

(Claim 12 was canceled).

Regarding claims 13 and 14, Shoff discloses that “wherein the graphical user interface is a channel banner graphical user interface”, i.e., additional information is displaying on the user interface as a channel banner (Fig. 8c/item 240 & 242); and Knee teaches the step of “wherein the graphical user interface is a favorite channel list graphical user interface”, i.e., the user can create his/her own favorite channel list by deleting or selecting a channel from choices based on news, movies or sports (Knee, Fig. 8, and col. 28/line 33 to col. 29/line 54 for more details on this issue).

Regarding claims 15-18, these claims of “a computer-readable medium having computer-executable components comprising a database component for storing one or more channel lists, at least one of the channel lists integrating one or more television channels and one or more scheduled Internet channels; and a user interface component for displaying the channel lists, wherein the user interface component is further for displaying the scheduled start time and the scheduled end time” are rejected for the reasons given in the scope of the system claims 1-9, 11, 13-14 and 19-20 (to avoid unnecessary repetitions) as already discussed in details above.

As for claims 21 and 22, in further view of claims 1 and 6 above, the combination of Shoff, Knee and Schein teaches all of the limitations as disclosed earlier (see the Examiner’s statements above, avoid unnecessary repetitions); furthermore, Knee further shows that in the step of creating a favorite channel for deleting or adding a channel, a secondary graphical user interface is provided as the user moves from a preference menu (Fig. 7) to a secondary graphical user interface (as illustrated in Fig. 8) for modifying the favorite channel list in order to have a TV guide listing (as illustrated either in Fig. 20 or 38B). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shoff’s technique with Knee’s technique as disclosed in order to further including a secondary graphical user interface as a means for displaying to the user for the user(s) to modify their favorite channel list as suggested by Knee (col. 28/line 14 to col. 29/line 54 for details on how the favorite list is created or revised).

*Conclusion*

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9306, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Krista Bui  
Art Unit 2611  
December 02, 2003

KRISTA BUI  
PATENT EXAMINER